

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

1:14 cr 12

UNITED STATES OF AMERICA

Vs.

WILLIE DAVIS.

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ORDER

THIS CAUSE came on to be heard before the undersigned, pursuant to a letter (#30) sent by Defendant to the Court requesting that counsel be substituted for his present attorney, Julia G. Mimms. The letter was filed on September 10, 2014 and was set for hearing before the undersigned. Thereafter, the Defendant sent another letter (#32) to the Court and request permission to withdraw his request for substitution of counsel for Ms. Mimms. At the call of this matter on for hearing, it appeared that Defendant was present with his attorney, Ms. Mimms, and the Government was present and represented by Assistant United States Attorney Tom Kent. At the call of the matter, the undersigned presented the issue of whether or not the hearing of the requests of the Defendant (#30) and (#32) should be held before the Court in a sealed proceeding in which the Assistant United States Attorney would be excluded. The purpose of that hearing was to insure that any confidential communications between the Defendant and Ms. Mimms would

not be disclosed. Mr. Kent stated he had no objection to the Court conducting a sealed proceeding and a sealed proceeding was then conducted by the undersigned.

During the sealed proceeding, the undersigned made an inquiry of Defendant and Ms. Mimms as to any basis as to their relationship and whether or not the Defendant knowingly, freely and voluntarily wished to withdraw his motion. The sealed proceeding shall appear of record.

As a result of the sealed proceeding, the undersigned has determined that good cause has not been shown for the granting of any motion to substitute counsel in place of Ms. Mimms and the Defendant knowingly, freely and voluntarily does wish to withdraw his motion.

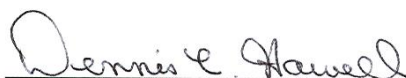
After conducting the sealed proceeding, the undersigned reopened Court and questioned whether or not, Mr. Kent, on behalf of the Government wished to present any evidence or make any presentation in regard to the request. Mr. Kent stated that the Government was not taking any position in regard to the letters.

Based upon the arguments presented in the sealed proceeding, the undersigned finds that good cause has not been shown for substitution of counsel for Ms. Mimms and the Defendant, knowingly, willfully and voluntarily, wishes to withdraw his request in the letter set forth as document (#30).

ORDER

IT IS, THEREFORE, ORDERED that the letter (#30) of Defendant which has been considered as a motion for substitution of counsel is hereby **DENIED**. The request to withdraw document (#30) by the Defendant in his letter (#32) is **ALLOWED**.

Signed: September 29, 2014



Dennis L. Howell
United States Magistrate Judge

